

REMARKS

In the Office Action mailed July 27, 2004, the Examiner rejected claims 1, 3-6, 9-11, 13-16, 19-21, 23-26, 29-31, 33-36, and 39-40 under 35 U.S.C. § 103(a) as unpatentable over Templin et al. (U.S. Patent No. 5,781,550) in view of Aviani, Jr. et al. (U.S. Patent No. 6,532,493); rejected claims 2, 8, 12, 18, 22, 28, 32, and 38 as unpatentable over Templin et al. in view of Aviani, Jr. et al., and further in view of Coile et al. (U.S. Patent No. 6,473,406); allowed claims 41-46, 48-56, 58-66, 68-76, and 78-80; and objected to claims 7, 17, 27, and 37 as dependent upon a rejected base claim.

As the Examiner requested, we provide the following citations to show support in the specification for the amendments in the response mailed on April 9, 2004: page 7, line 10-page 8, line 7 and page 10, lines 11-31. Claims 1-46, 48-56, 58-66, 68-76, and 78-80 remain pending in this case. Applicants acknowledge with appreciation the Examiner's indication that claims 41-46, 48-56, 58-66, 68-76, and 78-80 have been allowed and that claims 7, 17, 27, and 37 are "allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Office Action mailed February 12, 2004, ¶ 11. We, believe independent claims 1, 11, 21, and 31, from which claims 7, 17, 27, and 37 depend, recite allowable subject matter without further amendment, and thus have not placed the claims in independent form. For the reasons set forth below, Applicants also respectfully request that the rejection of claims 1-6, 8-16, 18-26, 28-36, and 38-40 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

I. Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness. The initial evaluation of *prima facie* obviousness thus relieves both the Examiner and applicant from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention. M.P.E.P. § 2142.

A. Claims 1-6, 8-16, 18-26, 28-36, and 38-40

Regarding claims 1, 11, 21, and 31, the Examiner admits that Templin et al. “may be silent or deficient” as to “determining a destination address corresponding to the destination based on the client address.” See Office Action ¶ 5, at 2. Nonetheless, the Examiner asserts that using a broad interpretation of the word “determine” that Templin et al. teaches “determining a destination address corresponding to the destination based on the client address.” See Office Action ¶ 5, at 1-2. Alternatively, the Examiner asserts that Aviani, Jr. et al. discloses the same determination step. See Office Action ¶ 5, at 3.

Applicants respectfully disagree with the Examiner’s interpretation of Templin et al. and Aviani, Jr. et al. The relied-upon portion of the Templin et al. (i.e., col. 7, lines 22-30 and col. 8, lines 9-13) discloses that the gateway receives the address of the untrusted host as part of the packet from the trusted host. Templin et al., col. 7, lines 23-28. Therefore, Applicants assert that the rejection of claims 1, 11, 21, and 31 are not supported by Templin et al.

The Examiner also states that in figure 12, the destination address of “contrasting packets 210 (i.e., a first packet) and 214¹ (i.e., a second packet)” remains the same. Office Action ¶ 3, at 1. The Examiner further states that instead, a source address changes from a client address to the address of a proxy server and as a consequence that the destination address does not change and as a consequence the further limitation determining[sic] a destination address corresponding to the destination based on the client address may not be clear from applicant’s arguments in light of figure 12.” Office Action ¶ 3, at 1. As a result, the Examiner stated he assumed a reasonable but broad interpretation of “corresponding to the destination based on the client address.” Office Action ¶ 3, at 1. Applicants respectfully disagree with the Examiner’s assertions. Indeed, the Examiner’s assertions regarding packet 210 and 214 of figure 12 resembling the packets of figure 5 of Templin et al. is insufficient to support the position that Templin et al. discloses “determining a destination address corresponding to the destination based on the client address.” Even in light of Examiner’s assertions regarding “determining a destination address corresponding to the destination based on the client address,” Templin et al. fails to support the Examiner’s position. As discussed above, Templin et al. discloses that the gateway receives the address of the untrusted host as part of the packet from the trusted host. Therefore, Applicants submit that Templin et al. does not support the Examiner’s rejection. For at least these reasons, the

¹ The Examiner alleged that applicant’s claim interpretation and arguments appear to be invalid with respect to applicant’s figures because “applicant appears to argue packet 212 in figure 12 as a second packet.” Applicant’s clarify that as the Examiner assumed, packet 214 not packet 212 of figure 12 refers to the second packet.

rejection of claims 1, 11, 21, and 31 is unsupported by the cited art and should be withdrawn.

Aviani, Jr. et al. is similarly deficient. The Examiner states that Aviani, Jr. et al. teaches determining a destination address corresponding to the destination based on the client address. See Office Action ¶ 5, at 3. The Examiner points to a portion of Aviani, Jr. et al. that discloses the handling of requests specifying a destination platform that requires user authentication through use of a bypass list. See Id., col. 6, line 24 to col. 7, line 16; Office Action ¶ 5, at 3. The cited portion also discloses that the bypass list contains client/server pairs (i.e. source and destination addresses) which identify client/server pairs that should be allowed to pass through the caching system without determining whether the requested information is in the cache. Aviani, Jr. et al., col. 7, lines 1-4. This does not support the Examiner's rejection.

In light of the above remarks, Applicants assert that the rejection of claim 1 is not supported by the cited art and withdrawal of the rejection is respectfully requested.

Moreover, the Examiner did not present a *prima facie* case of obviousness. Instead the Examiner asserts that "it would have been obvious to one skilled in the art prior to [A]pplicant's invention to include determining a destination address corresponding to the destination based on the client [address]." Office Action, ¶ 5, at 4. This statement, is insufficient to support a motivation to combine the cited references as asserted by the Examiner. Further, the cited art fails to provide support for the alleged combination. Determinations of *prima facie* obviousness must be supported by a finding of "substantial evidence." *See In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). Specifically, unless "substantial evidence" found in the record supports the

factual determinations central to the issue of patentability, including motivation, the rejection is improper and should be withdrawn.

In this case, there is no “substantial evidence” in the record to support the attempted combination of Templin et al. and Aviani, Jr. et al., and the requisite “clear and particular” motivation required to support a *prima facie* case of obviousness is lacking. The Examiner alleges that “one would be motivated to determine an address based on whether a previous connection/session is established,” and that “[t]he suggestion or motivation for doing so would have been whether there is information already found in the cache.” Office Action ¶ 5, at 4. Even if this allegation were true, which Applicants do not concede, this would not motivate one to combine Aviani, Jr. et al. with Templin et al. Determining an address based on whether a previous connection/session is established is irrelevant to Templin et al., and the system disclosed in Templin et al. does not use a cache. While Aviani, Jr. et al. involves a caching system, Templin et al. involves a “spoofing” system that uses a trusted gateway. An artisan of ordinary skill finding deficiencies with the trusted gateway system in Templin et al. would not have a reason to consider a caching system like Aviani, Jr. et al. to correct those deficiencies, nor would such an artisan look to the trusted gateway system of Templin et al. to address problems with the caching system of Aviani, Jr. et al.

For at least the foregoing reasons, the rejection of claims 1, 11, 21, and 31 are unsupported by the cited art. Applicants therefore respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 3-6 and 9-10; 13-16 and 19-20; 23-26 and 29-30; and 33-36 and 39-40 depend upon allowable claims 1, 11, 21, and 31, respectively. As explained above, the rejection of claims 1, 11, 21, and 31 is unsupported by the cited art. Accordingly, the rejection of claims 3-6, 9-10, 13-16, 19-20, 23-26, 29-30, 33-36, and 39-40 is likewise unsupported by the cited art for at least the reasons given with respect to claims 1, 11, 21, and 31. Applicants therefore respectfully request that the rejection of claims 3-6, 9-10, 13-16, 19-20, 23-26, 29-30, 33-36, and 39-40 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 2 and 8, 12 and 18, 22 and 28, and 32 and 38 which depend from allowable claims 1, 11, 21, and 31, respectively, are allowable for the same reasons. Moreover Coile et al. fails to cure the deficiencies of Templin et al. and Aviani, Jr. et al. with regard to independent claims 1, 11, 21, and 31 because Coile et al. also fails to teach or suggest “determining a destination address corresponding to the destination based on the client address.” Accordingly, the rejection of claims 2, 8, 12, 18, 22, 28, 32, and 38 is unsupported by the cited art. Applicants therefore respectfully request that the rejection of claims 2, 8, 12, 18, 22, 28, 32, and 38 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

II. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

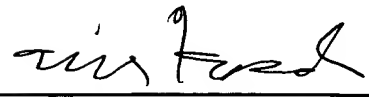
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER,
L.L.P.

Dated: November 29, 2004

By: _____

A handwritten signature in dark ink, appearing to read 'Milan Kapadia', written over a horizontal line.

Milan Kapadia
Reg. No. 55,982